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December 18, 2017

The Honorable Nicholas G. Garaufis
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Matthew T. McLaughlin

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Re: *State Of New York, et al. v. Donald Trump, et al.*, 1:17-cv-05228-NGG-JO;
AND,
Batalla Vidal, et al. v. Baran, et al., No. 1:16-cv-04756-NGG-JO

(1) Notice of Appearance by Matthew T. McLaughlin as Counsel for Proposed
Amicus, the Lawyers' Committee for Civil Rights Under Law; and
(2) Consent Motion for Leave to File Brief of the Lawyers' Committee for Civil
Rights, as *Amicus Curiae*

Dear Judge Garaufis:

Our firm, Venable LLP, serves as *pro bono* counsel to the Lawyers' Committee for Civil Rights Under Law (the "Lawyers' Committee"). I respectfully submit this letter to enter my appearance on behalf of the Lawyers' Committee as well as to seek this Court's leave to file a brief of the Lawyers' Committee as *amicus curiae* in each of the above-captioned parallel cases.¹

The Lawyers' Committee has conferred with the plaintiffs in each of the two cases as well as with the Department of Justice, which represents the defendants in each case. In each case, all of the parties consent to the Lawyers' Committee's motion for leave to file an amicus brief.

"A district court has broad discretion to grant or deny an appearance as *amicus curiae* in a given case." *Andersen v. Leavitt*, No. 03-cv-6115 (DRH)(ARL), 2007 WL 2343672, at *2 (E.D.N.Y. Aug. 13, 2007). As this Court has previously held, "[a]n amicus brief should normally be allowed when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Disability Advocates, Inc., v. David A. Paterson, et al.*, No. 1:03-cv-03209-NGG-MDG, Doc. 388, at 2 (E.D.N.Y.

¹ The Lawyer's Committee acknowledges that Section III.A of Your Honor's Individual Rules do not expressly require pre-motion letters for motions for leave to file briefs as *amicus curiae*. However, because of the uncommon nature of such motions, the Lawyers' Committee respectfully submits this letter out of an abundance of caution and in deference to the Court.

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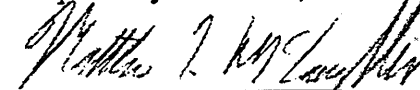
Nov. 24, 2009) (quotation marks omitted) (permitting amicus submission despite plaintiff's opposition because amicus "may be able to offer unique insights based on its experience in providing services for individuals" who would be affected by the litigation). Here, the Lawyers' Committee is uniquely suited to offer the Court an informed perspective on the harms and overall impact the rescission of DACA will have on immigrant communities and the diversity interests of the states.

The Lawyers' Committee for Civil Rights Under Law is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in defending the civil rights of racial and ethnic minorities, including immigrants of color. In furtherance of its commitment to challenge policies that discriminate against immigrants, the Lawyers' Committee has filed lawsuits and submitted numerous amicus briefs in cases involving issues similar to the one before this Court. Through its Economic Justice Project and related initiatives, the Lawyers' Committee has developed a keen understanding of the legal and economic challenges that immigrant communities face, and the resulting impact on society at large.

Finally, in accord with Section III.B.3 of Your Honor's Individual Rules, and subject to the Court's approval, the Lawyers' Committee proposes filing its brief as *amicus curiae* in each of the cases on December 22, 2017.

Should the Court feel that a pre-motion conference call is necessary, I am available at the Court's convenience. In the event that I cannot be reached, please contact my colleague, Sameer P. Sheikh, whose *pro hac vice* application is forthcoming. Mr. Sheikh's email is SPSheikh@Venable.com and his phone number is (202) 344-4168.

Respectfully Submitted,



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CC: All Counsel of Record
(VIA ECF)

Application to file a brief as *amicus curiae* is granted,

So ordered.

/s/Nicholas G. Garaufis

12/19/17